

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PEREZ WORLEY,)	CASE NO. 1:18-cv-00050
)	
Petitioner,)	
)	JUDGE DONALD C. NUGENT
vs.)	
)	
)	
CHARMAINE BRACY, WARDEN)	
)	MEMORANDUM OPINION AND ORDER
Respondent.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Kathleen B. Burke. The Report and Recommendation (ECF #30), submitted on August 29, 2019, is hereby ADOPTED by this Court. As such, Petitioner's 28 U.S.C. § 2254 habeas corpus petition (ECF # 1) is DISMISSED as moot.

This case arises from Mr. Worley's 2015 conviction in the Cuyahoga County, Ohio, Court of Common Pleas, for felonious assault under R.C. 2903.11(A)(2) and having weapons while under disability under R.C. 2923.13(A)(2). (ECF #1). He subsequently perfected an appeal within the state court system and his conviction was affirmed on April 28, 2016. (*Id.* at 2). Mr. Worley appealed this decision to the Ohio Supreme Court. (*Id.*). Mr. Worley applied to reopen his appeal on July 22, 2016, but was denied on February 17, 2017 May (*Id.* at 7).

Mr. Worley, acting pro se, filed this habeas corpus action pursuant to 28 U.S.C. § 2254.(ECF #1). His federal habeas petition is deemed filed on January 3, 2018, the date he placed it in the

prison mailing system.

Because the docket was not clear as to Worley's status, on August 27, 2019, the undersigned ordered the State to file a notice advising the Court as to the current status of Petitioner. (ECF #28) Pursuant to that Order, Respondent has filed a Notice of Petitioner's Status, advising the Court that "[a]ccording to the records of the Ohio Department of Rehabilitation and Correction, Perez Worley has died." (ECF #29).

Considering the representations contained in Respondent's Notice of Petitioner's Status (ECF #29), Magistrate Judge Kathleen B. Burke recommends that the Court find the issues in this case moot and DISMISS this action with prejudice. This Court agrees and adopts the Report and Recommendation. Accordingly, this action is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED: _____

September 5, 2019



DONALD C. NUGENT
United States District Judge